

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 17, 2004**

CIVIL
No.
G031912

CRAIG S. WASSERMAN
v.
TERRY L. MAIRS

Not for publication

Opinion filed. Orders reversed.

Bedsworth, J.

We concur: Sills, P.J.
Aronson, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 18, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Bedsworth, J., and O’Leary, J. M. Urena, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G031263 ROBERT B. ENGEL

Merits. Cause called. Dennis O’Connell argues for appellant. Susan Miller, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031530 ARTURO ORTIZ

Merits. Cause called. William J. Kopeny argues for appellant. Janelle Boustany, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032244 ROBERT A. CHAPA

Merits. Cause called. Stephen M. Lathrop argues for appellant. Teresa Torreblanca, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032642 DAVID OSBORNE

Merits. Cause called. Brian F. Fitzpatrick, Deputy District Attorney argues for appellant. Michael J. Egan argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 18, 2004 (Cont'd)**

CIVIL HAROLD PEMSTEIN
No. v.
G029394 MARTIN PEMSTEIN et al.

Merits. Cause called. Dana Sherman argues for appellant Martin Pemstein. Robert A. Miller argues for appellant HMS Holding Co. Steven R. Cameron argues for respondent. Cause submitted.

CIVIL HAROLD PEMSTEIN
No. v.
G030217 MARTIN PEMSTEIN et al.

Merits. Cause called. Dana Sherman argues for appellant Pemma Corporation. Robert A. Miller argues for appellant HMS Holding Co. Steven R. Cameron argues for respondent. Cause submitted.

CIVIL HAROLD PEMSTEIN
No. v.
G031227 PEMMA CORPORATION

Merits. Cause called. Steven R. Cameron argues for appellant. Dana Sherman argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 18, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Bedsworth, J., and O'Leary, J. M. Urena, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G032947 TIMOTHY M. KENNAN

Merits. Cause called. Arthur Martin argues for appellant. Melissa Mandel, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031791 JEFFERY W. MINOR
G031792

Merits. Cause called. William J. Kopeny argues for appellant. Jeffrey Koch, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031846 JIMMY PHAN and
 DUC LE

Merits. Cause called. Vincent Chan argues for appellant Duc Le. Stephen M. Lathrop argues for appellant Jimmy Phan. Lynne McGinnis, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G030827 JUAN E. GARCIA

Merits. Cause called. William J. Kopeny argues for appellant. Warren Robinson, Deputy Attorney General argues for respondent. Appellant and respondent to file supplemental briefs by 4:00 p.m. on June 4, 2004. Cause to be submitted on June 4, 2004.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 18, 2004 (Cont'd)**

CRIM No. G032389	THE PEOPLE v. JORGE LUIS VALENCIA	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Bedsworth, Acting P.J. Aronson, J.	Fybel, J.
 CIVIL No. G032636	 GEORGE SPANNER v. RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT	 Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Bedsworth, J. Aronson, J.	Sills, P.J.
 CRIM No. G032719	 THE PEOPLE v. BRIAN RICHARD BEINLICH	 Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Bedsworth, J. Fybel, J.	Rylaarsdam, Acting P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 19, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., O'Leary, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL BALBOA ISLAND VILLAGE INN INC.
No. v.
G031636 ANNE LEMEN

Merits. Cause called. D. Michael Bush argues for appellant. J. Scott Russo argues for respondent. Cause submitted.

CIVIL DANIEL BARRAGAN
No. v.
G032343 CHON GUTIERREZ, as Director of
Department of Motor Vehicles

Merits. Cause called. Patti W. Ranger, Deputy Attorney General argues for appellant. Barry T. Simons argues for respondent. Cause submitted.

CIVIL DENA CALISE
No. v.
G031756 ETHICON, INC. et al.

Merits. Cause called. Jeffrey Wilens argues for appellant. Alan J. Lazarus argues for respondents. Cause submitted.

CIVIL JAMES L. LOCKSHAW et al.
No. v.
G032901 ROHR INC.

Merits. Cause called. Scott D. Bertzyk argues for appellant. William B. Hanley argues for respondents. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 19, 2004 (Cont'd)**

CIVIL FIRE INSURANCE EXCHANGE
No. v.
G031706 COMMERCIAL UNDERWRITERS INS. CO.

Merits. Cause called. Erwin E. Adler argues for appellant. David B. Ezra argues for respondent. Cause submitted.

CIVIL JANE L. SHADE
No. v.
G032755 ANTHONY RACKAUCKAS et al.

Merits. Cause called. Respondent made a verbal request to continue oral argument. Appellant opposed respondent's request. Request to continue oral argument is denied. Jan J. Nolan argues for appellant. Courtney L. Hylton argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 19, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Bedsworth, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL STAR PARKER
No. v.
G032537 ALAN RUTHERFORD et al.

Merits. Cause called. Charles Barsam argues for appellant. Michael K. Wolder argues for respondents. Cause submitted.

CIVIL NICK A. KOLEV
No. v.
G032337 TONYA E. PRESCOTT

Merits. Cause called. Appellant Nick A. Kolev argues on his own behalf. Dana M. Gilreath argues for respondent. Cause submitted.

CIVIL WALTER T. DAVEY et al.
No. v.
G031454 COLDWELL BANKER et al.
G031744

Merits. Cause called. Thomas E. Elenbaas argues for appellants. Frank Punelli argues for respondents. Cause submitted.

CIVIL FORCUM/MACKEY CONSTRUCTION
No. v.
G032543 BFGC ARCHITECTS PLANNERS

Merits. Cause called. Douglas Fee argues for appellant. Tracy E. Sagle argues for respondent Forcum/Mackey Construction Inc. Andrew C. Carlton argues for respondent S.C. Anderson, Inc. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 19, 2004 (Cont'd)**

CIVIL SELIM ANTER et al.
No. v.
G031546 JOE M. BATI et al.

Merits. Cause called. Michael P. Ring argues for appellants. William J. Kopeny argues for respondents. Cause submitted.

CIVIL OM P. GARG et al.
No. v.
G032573 MARTIN ROMERO et al.

Merits. Cause called. Richard Wynn argues for appellants. Roger A. Saevig argues for respondents. Cause submitted.

CIVIL JOSEPH CERNI
No. v.
G031818 DAVID AXE et al.
G032300

Merits. Cause called. Patrick A. Fraioli argues for appellants. Jeffrey S. Flashman argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 19, 2004 (Cont'd)**

CRIM	THE PEOPLE	Not for publication
No.	v.	
G030275	MARTIN LANDA SANTANA	

Opinion filed. Judgment affirmed as modified.

Ikola, J.

We concur: Rylaarsdam, Acting P.J.
O'Leary, J.

CIVIL	ROBERT WARREN MARVIN	Not for publication
No.	v.	
G030678	MICHAEL DIXON	

Opinion filed. Order affirmed.

Fybel, J.

We concur: Sills, P.J.
Aronson, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G032563	JESUS SOLANO	

Opinion filed. Judgment affirmed.

O'Leary, J.

We concur: Rylaarsdam, Acting P.J.
Bedsworth, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, J., Moore, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL CURT A. SANDMAN
No. v.
G032380 THE REGENTS OF THE UNIVERSITY
 OF CALIFORNIA

Merits. Cause called. Gary A. Waldron argues for appellant. Christopher M. Patti argues for respondent. Cause submitted.

CIVIL RICHARD D. NELSON et al.
No. v.
G031525 LYNN R. DAVIS et al.

Merits. Cause called. Mitchell C. Tilner argues for appellants. Donna Bader argues for respondents. Cause submitted.

CIVIL LA PALMA EAST PROPERTIES et al.
No. v.
G032226 FARMERS & MERCHANTS BANK
 OF LONG BEACH

Merits. Cause called. Jim T. Tice argues for appellants. John Gloger argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., O'Leary, J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL CALIFORNIA CAREER SCHOOLS
No. v.
G032879 CHON GUTIERREZ, as Director

Merits. Cause called. Peter F. Musielski argues for appellant. Thomas Scheerer, Deputy Attorney General argues for respondent. Cause submitted.

CIVIL DANIEL J. GOLKA
No. v.
G031952 ELEGANT AWNINGS

Merits. Cause called. Barry R. Laubscher argues for appellant. Michael A. Lanphere argues for respondent. Cause submitted.

CIVIL CHARLES KINNEY et al.
No. v.
G032629 STATE OF CALIFORNIA

Merits. Cause called. Charles G. Kinney argues for appellants. Karen S. Darling, Deputy Attorney General argues for respondent. Cause submitted.

CIVIL THOMAS GROVE
No. v.
G031764 RETAIL PROPERTY PARTNER
 LIMITED PARTNERSHIP

Merits. Cause called. Thomas D. Rowley argues for appellant. No appearance made by Stephen D. Lucas for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2004 (Cont'd)**

CIVIL ROBERT FISH
No. v.
G032732 CARL LAMBERT et al.

Merits. Cause called. Robert D. Fish argues for appellant. Dirk O. Julander argues for respondents. Appellant and respondents to file supplemental briefs by 4:00 p.m. on June 4, 2004. Cause to be submitted on June 4, 2004.

CIVIL CLINTON M. HOOSE
No. v.
G032873 ROBERT B. BEAUCHAMP

Merits. Cause called. Richard Heston argues for appellant. Michael Stein argues for respondent. Cause submitted.

CIVIL JOSEPH FURROW
No. v.
G032314 BARRY A. BISSON

Merits. Cause called. Appellant Joseph Furrow argues on his own behalf. Dat T. Dang argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2004 (Cont'd)**

CIVIL No. G020323	TEXTRON FINANCIAL CORPORATION v. NATIONAL UNION FIRE INS. COMPANY OF PITTSBURGH, PENNSYLVANIA	Certified for publication
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Opinion filed. Judgment affirmed as modified. Postjudgment orders
Affirmed in part and reversed in part.

Rylaarsdam, J.

We concur: Sills, P.J.
O'Leary, J.

CRIM No. G031689	THE PEOPLE v. VERA MIESHA DIXON	Not for publication
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Order filed. Order modifying opinion and denying petition for rehearing
No change in judgment.

Sills, P.J.

We concur: Rylaarsdam, J.
O'Leary, J.

CRIM No. G031838	THE PEOPLE v. SAMUEL ALBERT GROOVER	Not for publication
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Opinion filed. Judgment is affirmed as modified.

Rylaarsdam, J.

We concur: Sills, P.J.
O'Leary, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2004 (Cont'd)**

CRIM	THE PEOPLE	Not for publication
No.	v.	
G031899	ALISTAR INSURANCE COMPANY, et al.,	

Opinion filed. Judgment is affirmed.

Bedsworth, J.

We concur: Rylaarsdam, Acting P.J.
O'Leary, J.

CRIM	In re KENNETH WAYNE DRYDEN	Not for publication
No.	on	
G033942	Habeas Corpus	

Opinion filed. Petition granted.

By the Court

Before O'Leary, Acting P.J., Moore, J., and Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., and Moore, J. M. Urena, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G031788 JAMES T. DIFFLEY

Merits. Cause called. Mark S. Devore argues for appellant. Arlene Sevidal, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032091 KENT M. LEE

Merits. Cause called. John E. Edwards argues for appellant. Arlene Sevidal, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032435 STEPHEN C. NOVAK

Merits. Cause called. Anthony J. Dain argues for appellant. Andrew Mestman, Deputy Attorney General argues for respondent. Cause submitted.

CIVIL GARY L. FEBVRE
No. v.
G032695 NATIONAL UNIVERSITY, INC., et al.

Merits. Cause called. Kevin P. Sullivan argues for appellants. Daniel G. Emilio argues for respondent. Cause submitted.

CIVIL MELINDA M. REILLY
No. v.
G031700 MERRILL W. SMITH et al.

Merits. Cause called. Michael G. York argues for appellants. Roland E. Bye argues for respondent. Cause Submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2004 (Cont'd)**

CIVIL	WILLIAM C. McNEILL
No.	v.
G032669	DENTAL ALTERNATIVES et al.

Merits. Cause called. Appellant William C. McNeill argues in written form on his own behalf. Robert J. Danko present for respondents. Respondents to file a supplemental brief in response to appellant's written oral argument by 4:00 p.m. on May 28, 2004. Cause to be submitted on May 28, 2004.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Moore, Acting P.J., Fybel, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G030612 MARINA D. LIDNER

Merits. Cause called. Henry Salcido argues for appellant. Lilia Garcia, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032403 GILBERT L. MORALES

Merits. Cause called. Conrad Petermann argues for appellant. Tami Hennick, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032080 BETSY A. STANSELL

Merits. Cause called. Michelle Rogers argues for appellant. Lynne McGinnis, Deputy Attorney General. Cause submitted.

CRIM THE PEOPLE
No. v.
G031735 EDUARDO NUNEZ et al.

Merits. Cause called. Martha L. McGill argues for appellant Eduardo Nunez. Kevin C. McLean argues for appellant Ricardo Gutierrez. Elizabeth Voorhies, Deputy Attorney General argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2004 (Cont'd)**

CIVIL ROBERT H. GRANT et al.
No. v.
G032596 GERALD R. GRANT

Merits. Cause called. Thomas P. Aplin argues for appellants. Christopher Clark argues for respondent. Cause submitted.

CIVIL DANA GORDON et al.
No. v.
G032177 PACIFIC COMPONENT XCHANGE et al.

Merits. Cause called. Joseph J. M. Lange argues for appellants. William K. Vogeler argues for respondents. Cause submitted.

CIVIL JENNIFER TOKAI et al.
No. v.
G032275 VICTORIA PETERSON et al.

Merits. Cause called. Everett L. Skillman argues for appellants. Kari M. Myron argues for respondents. Cause submitted.

CIVIL LINDA D. STRATTAN
No. v.
G032094 DANE P. CARDONE

Merits. Cause called. Mark B. O'Connor argues for appellant. Lisa L. Pan argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2004**

CIVIL No. G031194	TRAVELERS CASUALTY & SURETY COMPANY v. CENTURY SURETY COMPANY	Certified for publication
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Opinion filed. Judgment is affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.
Moore, J.

CIVIL No. G031249	CONTINENTAL INSURANCE CO. v. CENTURY SURETY COMPANY	Not for publication
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Opinion filed. Judgment is affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.
Moore, J.

CIVIL No. G031595	GOLDEN EAGLE INSURANCE CO. v. CENTURY SURETY COMPANY	Not for publication
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Opinion filed. Judgment is affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.
Moore, J.

CRIM No. G031734	THE PEOPLE v. RAY RAUL ALVARADO	Not for publication
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Opinion filed. Judgment is affirmed.

Aronson, J.

We concur: Rylaarsdam, Acting P.J.
O'Leary, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2004**

CIVIL No. G031783	CARLOS LUCERO v. PLAZA DEL SOL REAL ESTATE TRUST et al.	Not for publication
	Opinion filed. Judgment is affirmed.	
	We concur: Sills, P.J. O’Leary, J.	Fybel, J.
CIVIL No. G031813	MESHKANI CO., INC. v. TATSUYA MIZUSHIMA	Not for publication
	Opinion filed. Order is affirmed.	
	We concur: O’Leary, Acting P.J. Ikola, J.	Moore, J.
CIVIL No. G031835	ALEX J. LLORENTE v. JEFFREY L. LIGHT et al.	Not for publication
	Opinion filed. Orders are affirmed and remanded.	
	We concur: Rylaarsdam, Acting P.J. O’Leary, J.	Fybel, J.
CIVIL No. G031869	BARBARA DIECKMEYER v. REDEVELOPMENT AGENCY OF THE CITY OF HUNTINGTON BEACH et al.,	Certified for publication
	Opinion filed. Judgment is reversed.	
	We concur: Sills, P.J. Rylaarsdam, J.	Bedsworth, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2004**

CIVIL DEFEND THE BAY etc.
No. v.
G032062 CITY OF IRVINE, et al.

Order filed. Pursuant to rule 23(e)(1) of the CRC, submission of the matter is vacated and the cause resubmitted for 30 days.

Sills, P.J.

We concur: Rylaarsdam, J.
 Bedsworth, J.

CIVIL AMERICAN INTERBANC MORTGAGE, LLC
No. v.
G032166 consolidated
W/G032344 BANKRATE, INC., et al.,

Order filed. Pursuant to rule 23(e)(1) of the CRC, submission of the matter is vacated and the cause resubmitted.

Rylaarsdam, J.

We concur: O’Leary, J.
 Fybel, J.

CRIM THE PEOPLE
No. v.
G032283 RAUL IVAN BERNAL

Not for publication

Opinion filed. Judgment is affirmed and remanded.

Bedsworth, J.

We concur: Moore, J.
 Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2004**

CIVIL No. G032291	MONICA MEHREN v. CHRISTOPHER DARGAN	Certified for publication
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Opinion filed. Order is reversed.

Rylaarsdam, J.

We concur: Sills, P.J.
Ikola, J.

CRIM No. G032631	THE PEOPLE v. RANDALL DON COLE	Not for publication
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Opinion filed. Judgment is affirmed.

Aronson, J.

We concur: Bedsworth, Acting P.J.
O’Leary, J.

CIVIL No. G032839	ORANGE COUNTY SOCIAL AGENCY v. KERASHALEEN H., et al.	Not for publication
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Opinion filed. Judgment is affirmed.

Sills, P.J.

We concur: Rylaarsdam, J.
Ikola, J.